

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : International Application No.: EP99/03603  
Ruelle et al. : International Filing Date: 26 May 1999  
Serial No.: 09/701,271 : Priority Date: 26 May 1998  
For: *Neisseria Meningitidis* Antigenic :  
Polypeptides, Corresponding :  
Polynucleotides and Protective :  
Antibodies :

**BOX PCT**

**ATTENTION: LEGAL OFFICE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT**


This Statement is being supplied in accordance with the requirements of "Processing of, and Requirements for, the Filing of Duplicate Applications and Papers in Patent Applications in View of the USPS Mail Delays" (as noted on the USPTO's web page on January 28, 2002 (copy attached).

On November 19, 2001, Applicants mailed via first class mail to the PCT Office a response to Missing Requirements in the above-identified application under a Certificate of Mailing, which included a Declaration/Power of Attorney and a CRF sequencing diskette. A copy of the filing is enclosed. Applicant is also enclosing the original envelope that was mailed to the PCT Office as to show further proof of mailing.

Applicants hereby request that this response be considered timely filed since this response was filed timely and with a Certificate of Mailing in accordance with 37 C.F.R. 1.8.

While Applicants do not believe that any additional fees are due, should Applicants be incorrect, please charge any fees to Deposit Account No.: 50-0258.

Respectfully submitted,

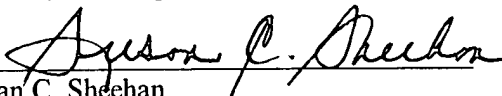
  
Teresa O. Bittenbender  
Registration No. 47,425

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Docket No. BM45323  
Application No. 09/701,271

**Certificate of Express Mail**

I hereby certify that this correspondence is being deposited on March, 11, 2002 with the United States Postal Service via Express Mail No.: EL 823 518 475 US in an envelope addressed to the Commission of Patents, Box PCT, Attention Legal Office, Washington, D.C.

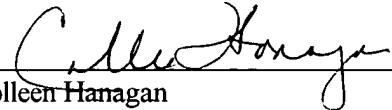
  
\_\_\_\_\_  
Susan C. Sheehan

129123.1.07

Docket No. BM45323  
Serial No. 09/701,271

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being caused to be deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, Box PCT, Washington, D.C. 20231.

  
\_\_\_\_\_  
Colleen Hanagan

  
\_\_\_\_\_  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Ruelle, et al. : I.A. Filing Date: 26 May 1999  
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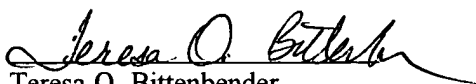
**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE**

Sir:

In response to the communication from the Patent Office mailed 30 July 2001, entitled "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office," enclosed is the Declaration and Power of Attorney for this application, plus the duplicate copy of the Notice to File Missing Parts of the Application form.

The \$130.00 surcharge for filing the missing parts of the application should be charged to Deposit Account No. 50-0258. Any overpayment or refund should be credited to Deposit Account No. 50-0258.

Respectfully submitted,

  
Teresa O. Bittenbender  
Registration No. 47,425  
Attorney for Applicants

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01 FC:1617 130.00 CH  
02 FC:1252 400.00 CH



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/701271	RUELLE J	BM45323
INTERNATIONAL APPLICATION NO.		

ARTHUR E JACKSON  
DECHERT  
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DOCKETED

PCT/EP99/03603

AUG 08 2001

I.A. FILING DATE	PRIORITY DATE
26 MAY 99	26 MAY 98

C.H.

DATE MAILED 30 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:   |
| <input type="checkbox"/> Priority Document.  |   |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |   |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee. ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

RECEIVED

AUG 03 2001

C.M.H.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

Charitta A. Butt, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3734